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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 BRIAN KERRY O'KEEFE,

9 Petitioner

10 v.

11 ROBERT LEGRAND, et al.,

12 Respondents

Case No.: 3:14-cv-00477-RCJ-CBC

ORDER

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14 Petitioner Kerry O'Keefe's § 2254 petition for a writ of habeas corpus has been briefed
15 and awaits merits disposition by this court. Before the court is O'Keefe's request for submission
16 of habeas action for decision as well as his ex parte motion for mandatory counsel to conduct
17 future evidentiary hearing (ECF Nos. 117, 120). He claims that he is entitled to an evidentiary
18 hearing because factual disputes exist in this matter. CJA counsel previously represented
19 O'Keefe (ECF No. 28). O'Keefe later filed a pro se motion to withdraw counsel (ECF No. 39).
20 His counsel filed a response in which he agreed that O'Keefe did not trust him and that the
21 attorney-client relationship had completely broken down (ECF No. 40). O'Keefe had also filed
22 several other pro se motions. The court granted the motion to withdraw as counsel, and O'Keefe
23 has been litigating the petition pro se since February 2017 (ECF No. 49). He has presented

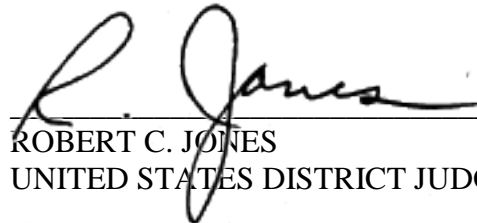
1 nothing now that persuades the court that new counsel should be located and appointed. Further,
2 O'Keefe's request for submission of this matter is denied; the petition shall be adjudicated on the
3 merits in due course. The court notes that O'Keefe has filed many frivolous motions in this
4 action that have only delayed a decision on the merits of this petition (*see, e.g.*, motion to strike
5 motion for extension of time (ECF No. 52); motion for bail pending appeal (ECF No. 54);
6 motion for summary judgment (ECF No. 94)).

7 **IT IS THEREFORE ORDERED** that petitioner's emergency motion, 2d (ECF No.113)
8 is **DENIED**.

9 **IT IS FURTHER ORDERED** that the request for submission (ECF No. 117) is
10 **DENIED**.

11 **IT IS FURTHER ORDERED** that the motion for mandatory counsel (ECF No. 120) is
12 **DENIED**.

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14 Dated: February 19, 2019

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16 ROBERT C. JONES
17 UNITED STATES DISTRICT JUDGE
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